IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital the July 11, 2006
Criminal Misc. Bail Application No. 597 of 2006
Order on the bail application of accused

CRIMINAL SIDE

Ayyub S/o Basheer
R/o Bharat Nagar Roorkee
P.S. Kotwali Roorkee
District Haridwar ….Applicant

Versus

State of Uttaranchal …Opposite Party

Arising out of Case Crime No. 109 of 2006
Under Sections 376, 504, 506 of I.P.C.
P.S. Gangnahar
District Haridwar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 109 of 2006 under Sections 376, 504, 506 of I.P.C., P.S. Gangnahar, District Haridwar.

Heard Sri S.P.S. Panwal, learned senior counsel appearing on behalf of the applicant, learned A.G.A. and perused the record.

The First Information Report in this case has been lodged after 10 days. The eyewitnesses who were allegedly present at the scene of occurrence have stated in their deposition that they were told by the prosecutrix – Smt. Shamsheeda that the accused persons wanted to outrage her modesty.

Learned counsel for the applicant has thus argued that the case of committing rape by the applicant is not made out, in view of the statement made by the eyewitnesses who reached at the scene of the occurrence.

It has further been submitted that there is a litigation pending between the husband and the prosecutrix and it is alleged that her husband with the aid of the applicant has committed this crime.

In view of the aforesaid facts that the First Information Report has been lodged after the delay of 10 days and the witnesses who assembled at the scene of occurrence have also not corroborated the story of the rape, I am of the view that the applicant is entitled to be released on bail at this stage.

Let the applicant be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(B.C. Kandpal, J.)

11.07.2006